

FEBRUARY 10, 1845.

Read, and committed to the Committee of the Whole House on the state of the Union.

Mr. DANA, on leave, introduced the following bill :

**A BILL**

To reduce and graduate the price of the public lands, in favor of actual settlers and cultivators, and appropriate the proceeds thereof.

1       *Be it enacted by the Senate and House of Representatives*  
2       *of the United States of America in Congress assembled, That*  
3       all of the lands of the United States lying within any State of  
4       this Union, which were subject to entry on the first day of July,  
5       eighteen hundred and forty-four, and have not since been sold,  
6       shall be subject to entry for settlement and cultivation, for any  
7       quantity not exceeding one hundred and sixty acres, as follows.  
8       viz: all of such lands which, on that day, had been subject to  
9       entry ten years, and not exceeding twenty years, may be entered  
10      under this act, at the price of one dollar per acre; all of such  
11      lands which had been subject to entry twenty years, and not  
12      exceeding thirty years, may be entered at the price of seventy-  
13      five cents per acre; all of such lands which had been subject to  
14      entry thirty years, may be entered at the price of fifty cents per  
15      acre; all such lands which had been subject to entry less than  
16      ten years on said day, which shall not be sold under the existing  
17      laws within ten years thereafter, shall, after that time, be sub-

18 ject to entry as aforesaid, at the price of one dollar per acre.  
19 And whenever any of the aforesaid lands shall have remained  
20 ten years subject to entry, at any of the reduced rates aforesaid,  
21 without being sold, the price thereof for entry under this act,  
22 during the next ten years, shall be reduced twenty-five cents per  
23 acre; and such reduction of twenty-five cents per acre con-  
24 tinue to be made every ten years, until such land shall be sold,  
25 or the price thereof reduced to fifty cents per acre. And when  
26 such land shall have remained ten years subject to entry at the  
27 price of fifty cents per acre, without being sold, such lands shall  
28 be ceded to the States in which the same are situated, to consti-  
29 tute a common school fund in such State. And on any day ap-  
30 pointed as aforesaid for the reduction of the price of the said  
31 public lands, any other lands of the United States, lying within  
32 the said States, not subject to entry on the first day of July last,  
33 which shall have been subject to entry ten years or upwards on  
34 any such future day for reducing prices as aforesaid, shall be sub-  
35 ject to a like reduction of twenty-five cents per acre; which re-  
36 duction shall be repeated every ten years, until the land shall  
37 be sold or the price reduced to fifty cents per acre; and all such  
38 lands which shall have remained ten years at that price unsold,  
39 shall be ceded as aforesaid, for the purpose aforesaid: *Provided,*  
40 *however,* That no land shall be considered as entered under this  
41 act, unless the price is less than one dollar and twenty-five cents

42 per acre; and no alternate sections which have been or may be  
43 reserved by the United States, shall be entered under this act.

1        *SEC. 2. And be it further enacted,* That the person ma-  
2 king entry, or application for entry, under the provisions of this  
3 act, at a price less than one dollar and twenty-five cents per acre,  
4 shall first make an affidavit before the register or receiver of the  
5 land office where entry is proposed to be made, that the said ap-  
6 plicant enters, and proposes to enter the same for his own use  
7 and benefit, for settlement and cultivation by and for himself or  
8 herself; and that the said applicant has made no entry under  
9 the provisions of this act, or no entry in pursuance thereof, which,  
10 with the additional entry then proposed to be made, will make  
11 the whole quantity so entered, and proposed to be entered, ex-  
12 ceed one hundred and sixty acres; and all entries at either of  
13 the prices designated by this act, less than the present minimum  
14 price of the public lands, contrary to the true intent and mean-  
15 ing of this act, shall be null and void.

1        *SEC. 3. And be it further enacted,* That patents shall not  
2 issue for land entered under the provisions of this act, until the  
3 expiration of five years after said entry; and at the time when  
4 application shall be made for a patent, the purchaser under this  
5 act, before he shall be entitled to the same, shall prove by two  
6 or more disinterested witnesses, to the satisfaction of the Com-  
7 missioner of the General Land Office, that said purchaser has  
8 resided upon and cultivated said land, or some part thereof, so

9 entered, during five consecutive years preceding his application  
 10 for a patent ; and all assignments in trust or otherwise, all sales,  
 11 conveyances, and transfers, by any purchaser of lands under this  
 12 act, before a patent shall have issued for the same, shall be abso-  
 13 lutely null and void ; and in case of the death of any such pur-  
 14 chaser of lands under this act prior to the issuing of a patent in  
 15 his or her behalf, all of the rights and privileges under the pro-  
 16 visions of this act, to which such purchaser was entitled at the  
 17 time of his death, shall accrue and belong to his or her heirs or  
 18 devisees ; and when the wife, children, or other heirs, or the de-  
 19 visees of such purchaser, shall have resided upon and cultivated  
 20 such land during the residue of the five years above required, a  
 21 patent shall issue therefor in the name of the deceased purchaser,  
 22 dated after the said entry and prior to the purchaser's death,  
 23 who shall be deemed to have died seized thereof ; and the said  
 24 land shall pass to his or her representatives in the same manner  
 25 as if the patent therefor had been issued before the death of the  
 26 purchaser ; and in such case, the proof aforesaid shall be so varied  
 27 as to establish the facts necessary as aforesaid, to authorize the  
 28 issuing of a patent in the name of a deceased purchaser.

1        SEC. 4. *And be it further enacted,* That the net proceeds  
 2 of the sales of all the public lands of the United States, after the  
 3 payment of the expenses of their management and surveys an-  
 4 nually, shall be appropriated to the support of the Post Office  
 5 Department, so far as the same may be necessary to make, with

6 the other revenues of the department, including the postage pro-  
7 duced by a uniform rate of letter postage not exceeding five cents  
8 on each letter weighing one-half ounce or less, an aggregate rev-  
9 enue for the year commencing on the first day of July, eighteen  
10 hundred and forty-five, of four million five hundred thousand  
11 dollars ; for the year commencing on the first day of July, eigh-  
12 teen hundred and forty-six, of four million six hundred thousand  
13 dollars ; and increasing in like manner, every year thereafter, the  
14 sum of one hundred thousand dollars.

1       SEC. 5. *And be it further enacted,* That the balance of the  
2 net annual proceeds of the sales of the public lands shall be dis-  
3 posed of as follows: One-half thereof shall be applied to the pay-  
4 ment of debts and annuities due to the Indians for lands, and to  
5 the extinguishment of the Indian title to lands within the States  
6 and Territories of the United States ; and when not immediately  
7 wanted for those purposes, may be invested in some safe and  
8 productive manner, to accumulate until needed for the purposes  
9 aforesaid ; and the other half thereof shall be distributed among  
10 the several States and Territories in which the lands are situated,  
11 which shall have been sold for that year, in the ratio of their re-  
12 spective contributions thereto ; to form, with the ceded lands be-  
13 fore mentioned, a perpetual fund for purposes of education in  
14 such State or Territory ; the revenue or interest of such fund, or  
15 such part thereof as such State or Territory shall deem expe-  
16 dient, to be annually appropriated and expended for the support  
17 of common schools.